

# PATENT COOPERATION TREATY

## PCT

### NOTE OF INFORMAL COMMUNICATION WITH THE APPLICANT

(PCT Rule 66.6)

International application No.	Applicant's or agent's file reference	Date of informal communication (day/month/year)
PCT/US03/10740	PCT 21085Y	28 July 2004 (28.07.2004)
Applicant MERCK & CO., INC.		

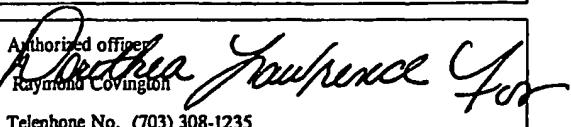
<u>Communication</u> <input checked="" type="checkbox"/> by telephone <input type="checkbox"/> personal	<u>Participants</u> <input checked="" type="checkbox"/> Applicant: ME/RCK, & CO., INC. <input checked="" type="checkbox"/> Agent: Catherine Fitch <input checked="" type="checkbox"/> Examiner(s): Raymond Covington	<input checked="" type="checkbox"/> Identity checked <input type="checkbox"/> authorization checked <input type="checkbox"/> personally known
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Summary of communication:

Applicants' agreed that the 408 would be skipped and that a PCT 409 with negative comments would be completed due to the report due dates.

- An extension of time limit is granted (Form PCT/IPEA/427).  
 A copy of this note is being sent to the applicant with Form PCT/IPEA/429.

PCT/IPEA/424.

Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	 Authorized officer Raymond Covington Telephone No. (703) 308-1235
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Form PCT/IPEA/428 (July 1992)



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Date 30-11-2004

Reference 21085Y	Application No./Patent No. 03719642.5 - 2123 PCT/US0310740
Applicant/Proprietor Merck & Co., Inc.	

**Communication pursuant to Rules 109 and 110 EPC**

**(1) Amendment of application documents, especially the claims (Rule 109 EPC)**

The above mentioned international (Euro-PCT) application has entered the European phase, or can do so, once the necessary conditions are fulfilled.

Under Articles 28, 41 PCT, Rules 52, 78 PCT and Rule 86(2) to (4) EPC, the applicant may amend the application documents after receiving the international search report.

**Whether or not he has already done so, he now has a further opportunity to file amended claims or other application documents within a non-extendable time limit of ONE MONTH after notification of the present communication (Rule 109 EPC).**

The claims applicable on expiry of the above time limit, i.e. those filed on entry into the European phase or in response to the present communication, will form the basis for the calculation of any claims fee to be paid (see page 2) and for any supplementary search to be carried out under Article 157(2) EPC (Rule 109 EPC).

**(2) Claims fees under Rule 110 EPC**

If the application documents on which the European grant procedure is to be based comprise more than ten claims, a claims fee shall be payable for the eleventh and each subsequent claim within the period provided for in Rule 107(1) EPC.

- Based on the application documents currently on file, all necessary claims fees have already been paid (or the documents do not comprise more than 10 claims).
- All necessary fees will be/have been debited automatically according to the automatic debit order.
- The claims fees due for the claims ..... to ..... were not paid within the above-mentioned period.

Any non-paid claims fee, either based on the current set of claims or on any amended claims to be filed pursuant to Rule 109 EPC (see page 1), may still be validly paid within a non-extendable period of grace of **ONE MONTH** after notification of this communication.

If a payment is made for only some of the claims, it must be indicated for which claims it is intended. If a claims fee is not paid in due time, the claim concerned is deemed to be abandoned (Rule 110(4) EPC).

If claims fees have already been paid, but on expiry of the above-mentioned time limit there is a new set of claims containing fewer fee-incurring claims than previously, the claims fees in excess of those due under Rule 110(2), 2nd sentence, EPC will be refunded (Rule 110(3) EPC).

You are reminded that any supplementary search under Article 157(2) EPC will relate only to the last set of claims applicable on expiry of the above time limit AND will be confined to those fee-incurring claims for which fees have been paid in due time.

**The fee for the eleventh and each subsequent claim is EUR 40,00.**

**RECEIVING SECTION**